



OP 1711
In re Fossel
U.S. Ser. No. 08/932,227
Attorney Docket No.: FOS-104

#10
9-13-99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: FOSSEL, Eric T. Attorney Docket No.: FOS-104

Title: TOPICAL DELIVERY OF L-ARGININE TO
CAUSE BENEFICIAL EFFECTS

Serial No.: 08/932,227 Art Unit: 1711

Filed: September 17, 1997 Examiner: MULLIS, J.

Assistant Commissioner of Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

The references listed on the attached form PTO-1449 relate to the subject matter of the present invention and are brought to the attention of the Patent and Trademark Office pursuant to 37 C.F.R. §1.56 and §1.98.

It should be noted that during the prosecution of the above referenced application, no Information Disclosure Statement was filed with the United States Patent and Trademark Office as of this date.

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Moreover, it should be noted that the undersigned attorney has asked the inventor to carefully review each of the articles cited by the Applicant in the Background of the Invention section of the specification of the instant application for relevance. The inventor has concluded that none of these references are relevant as they are all directed to background with respect to the use of NO delivery systems to cause vasodilatation. As none of these references are deemed relevant to patentability, an Information Disclosure Statement was not deemed necessary for this application up to this time.

It should also be noted that a U.S. application relating to this case was filed on September 17, 1997. This is U.S. Ser. No. 08/936,189 entitled TOPICAL AND ORAL ARGININE TO CAUSE BENEFICIAL EFFECTS. This application has an almost identical disclosure to the instant application with respect to the use of an hostile biophysical environment. An office action was issued by the United States Patent and Trademark Office on July 8, 1999 for this related pending application, 08/936,189. Enclosed for the Examiner's convenience is a copy of form PTO-892 from this office action. The applicant has also enclosed a copy of each reference cited in the July 8, 1999 office action. The reference cited is:

1. US 5,891,459 Cooke.

While this statement contains all of the relevant information presently known to applicants, it should not be interpreted as a representation that an exhaustive search has been conducted or that no other relevant information exists.

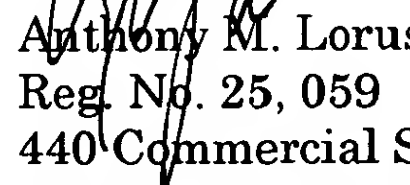
Moreover, the applicant invites the Examiner to make an independent evaluation of each cited reference to determine its relevance to the subject matter of the present application.

Presently, there is no fee required with this Information Disclosure Statement. Under 37. CFR § 1.97(c), an IDS shall be considered by the patent office if filed by the applicant after the period set forth in paragraph (b) of 37 CFR § 1.97 provided that the IDS is being submitted before the mailing date of either a final action under § 1.113, or a notice of allowance under § 1.311 whichever occurs first, and is accompanied by a statement as set forth in paragraph (e)(2) of 37 CFR § 1.97. Such a statement is enclosed herewith; therefore, the Applicant's IDS must be considered by the patent office.

Finally, the applicant urges that his claims patentably distinguish over all disclosed relevant information or any other combination thereof.

Respectfully submitted,

LORUSSO & LOUD



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Dated: August 27, 1999

CERTIFICATION UNDER C.F.R. § 1.8

I hereby certify that this Information Disclosure Statement is being deposited with the United States Postal Service on August 27, 1999 as postage pre-paid first class mail in an envelop addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.



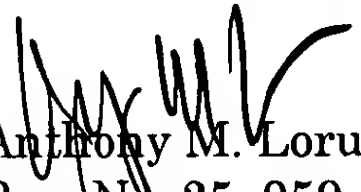
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Andrea J. Korson
Typed Name of Person Mailing Correspondence

months prior to the filing of the information disclosure statement. Specifically, the reference was cited in an office action issued by the United States Patent and Trademark Office on July 8, 1999.

Respectfully submitted,

LORUSSO & LOUD


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Andrea J. Korson
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APPLICATION NO. 08/938,189	FILING DATE 09/17/97	FIRST NAMED INVENTOR FOSSEL	ATTORNEY DOCKET NO. E
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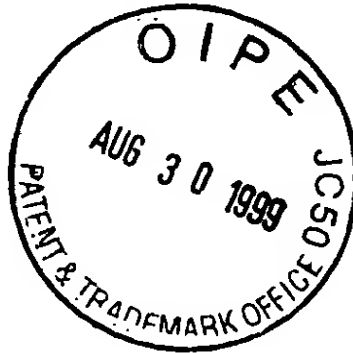
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EXAMINER FAULKNER, D

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Please find below and/or attached an Office communication concerning this application r proceeding.

Commissioner of Patents and Trademarks